THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20155 OF 2007

DATED:24-09-2007

BETWEEN:

P.Srinivas Goud & 5 others.

..... PETITIONERS

AND

The Mandal Revenue Officer,
Shamshabad mandal,
Rangareddy District.

.....RESPONDENT

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondent.

2. Petitioners seek a writ of mandamus declaring the action of the respondent in interfering with the peaceful possession and enjoyment of the property in Sy.Nos.27/1 to 27/11 and 27/31 admeasuring Ac.24.00 situated at Bhadurguda village, Pedda Golconda Gram Panchayat, Shamshabad mandal, Rangareddy District, without any notice or order and demanding conversion fee as per the A.P.Agricultural Land (Conversion for Non Agricultural Purpose) Act, 2006 (for brevity, 'the Act') without passing any order, as illegal and arbitrary.

3. It is the case of the petitioners that they have purchased the said extent of land under various sale deeds and all of them pooled the said land into one bit as one venture for the purpose of plotting the agricultural lands into house sites. It is stated that they have made an application before the Gram Panchayat, Pedda Golconda for permission of layout and the Gram Panchayat collected fee. While so, the respondent-Mandal Revenue Officer is interfering with the developmental activities on the ground that the petitioners have not converted the said lands from agricultural lands to non agricultural lands. It is

stated that as per the orders of the Government in G.O.Ms.No.352 MA, dated 30-07-2001, Bhadurguda village has been notified under the Hyderabad Airport Authority (HADA) and therefore, the provisions of the Act are not applicable.

4. Though it is stated in the Writ affidavit that the provisions of the Act are not applicable but the learned counsel appearing for the petitioners submits that the petitioners have no objection to pay the conversion fee and penalty as contemplated under the Act, and the Mandal Revenue Officer is not at all the concerned authority to interfere or collect the conversion fee or penalty, but the Revenue Divisional Officer alone is the competent authority.

5. I am of the opinion that admittedly petitioners have purchased the said lands, which are agricultural lands, and there is no dispute that the agricultural lands are being converted into non agricultural lands. Therefore, there cannot be any dispute that the provisions of the Act are not applicable. If that be so, under Section 3 of the Act no agricultural land in the State shall be put to non agricultural purpose without prior permission of the competent authority, and the competent authority is the Revenue Divisional Officer under Section 5 of the Act.

6. Under Section 4 of the Act the persons whoever intending to convert the agricultural land into non agricultural land shall make an application and if the competent authority satisfies he can permit to convert the same on collection of 10% of the basic value of the land. If anybody converts the agricultural land into non agricultural land, penalty of 50% of the

basic value of the land over and above 10% of the conversion fee shall have to be imposed. That means, whoever converts agricultural land into non agricultural land, shall pay 60% of the basic value of the land. If that is not paid it is always open for the revenue authorities to collect the same. Therefore, I am unable to accept the said contention that the provisions of the Act are not applicable and that the revenue authorities have no power to collect the same.

7. The point that arises for consideration is without taking any recourse of the Act whether the Mandal Revenue Officer is interfering with the developmental activities of the petitioners.

8. It is to be stated that admittedly petitioners have not made any representation before the respondent and without making any representation it cannot be said that the respondent is illegally interfering.

9. Accordingly, writ Petition is dismissed with a liberty to make appropriate representation before the concerned authority. No order as to costs.

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V.ESWARAIAH,J

24th September, 2007.
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